

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEDocket No. 98-C-022 (52007-CON)Anticipated Classification of
this application: Class _____Prior Application:
Examiner: A. Boakye
Art Unit: 2667

MAIL STOP CONTINUATION
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 37 CFR 1.10 ON THE DATE INDICATED BELOW AND IS
 ADDRESSED TO: MAIL STOP CONTINUATION,
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 ALEXANDRIA, VA 22313-1450.

EXPRESS MAIL NO: EV 322694174 USDATE OF DEPOSIT: February 24, 2004NAME: Justin GoreeSIGNATURE: Justin Goree

Sir: This is a request for filing a

Continuation application under 37 CFR 1.53(b)
 Divisional

of pending prior application Serial No. 09/163,819 filed on
September 30, 1998 of Kasper et al.
 (date) (inventor currently of record in prior application)

for **METHOD AND APPARATUS FOR CONTROLLING NETWORK DATA CONGESTION**
 (title of invention)

1. Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy.
2. Prepare a copy of the prior application.
3. A Preliminary Amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
4. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW:

	(Col. 1)		(Col. 2)		SMALL ENTITY			LARGE ENTITY	
FOR:	# FILED		# EXTRA		RATE	Fee		RATE	Fee
BASIC FEE						\$ 385	<u>OR</u>		\$ 770
TOTAL CLAIMS	31	-20	11		X 9	\$	<u>OR</u>	X 18	\$ 198
INDEP CLAIMS	6	- 3	3		X 43	\$	<u>OR</u>	X 86	\$ 258
[] MULTIPLE DEPENDENT CLAIM PRESENTED						\$	<u>OR</u>		
* If the difference in Col. 1 is less than "0", enter "0" in Col. 2.					TOTAL	\$		TOTAL	\$ 1226

70377 U.S.PTO
10/785372

022404

5. **The Commissioner is hereby authorized to charge the filing fee in the amount of \$ 1,226.00 to the credit card noted in the attached credit card payment form. If any additional extension and/or fee is required, or if any additional fee for claims is required, charge Deposit Account No. 01-0484.**
6. Cancel in this application original Claims 1-37 of the prior application before calculating the filing fee.
7. Amend the specification by inserting before the first line the sentence:
--This application is a continuation of Serial No. 09/163,819 filed September 30, 1998, the disclosure of which is hereby incorporated by reference in its entirety.--
8. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by Rule 138 and before payment of base issue fee.)
- 9a. Formal drawings are enclosed.
- 9b. Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.
- 9c. The certified copy has been filed in prior application Serial No. _____ filed _____
10. The prior application is assigned of record to **STMicroelectronics, Inc.**
11. Citation Under 37 CFR 1.97 and PTO-1449.
12. The power of attorney in the prior application is to:
LISA K. JORGENSEN, Reg. No. 34,845, STMicroelectronics, Inc., 1310 Electronics Drive, Mail Stop 2346, Carrollton, Texas 75006
(name, registration number and address)

 - a. The power appears in the original papers in the prior application.
 - b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. **ADDRESS ALL CORRESPONDENCE TO ATTORNEY OF RECORD**

**Mario J. Donato, Jr.
STMicroelectronics, Inc.
1310 Electronics Drive
Mail Stop 2346
Carrollton, TX 75006**

13. Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
14. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/163,819 as originally filed on September 30, 1998.

The undersigned declare(s) further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

[X] Associate this file with Customer No. 30424



30424

PATENT TRADEMARK OFFICE

February 24, 2004
Date

A handwritten signature of Richard K. Warther.

RICHARD K. WARTHNER

Registration No. 32,180

ALLEN, DYER, DOPPELT, MILBRATH
& GILCHRIST, P.A.

Post Office Box 3791
Orlando, Florida 32802-3791
(407) 841-2330
Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
KASPER ET AL.)
Serial No. **Not Yet Assigned**)
Filing Date: **Herewith**)
For: **METHOD AND APPARATUS FOR**)
CONTROLLING NETWORK DATA)
CONGESTION)
)

This application is a continuation of utility application
Serial No. 09/163,819 filed September 30, 1998

TRANSMITTAL OF FORMAL DRAWINGS

Mail Stop Continuation
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are fifty-three (53) sheets of formal drawings to be filed in the above-identified patent application.

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EXPRESS MAIL NO: EV 322694174 US

DATE OF DEPOSIT: February 24, 2004

NAME: Justin Goree

SIGNATURE: Justin Goree

Respectfully submitted

RICHARD K. WARTHNER

Reg. No. 32,180

Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.

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